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10
11 UNITED STATES DISTRICT COURT
12 SOUTHERN DISTRICT OF CALIFORNIA
13

14 GARY A. STEIN

15 Plaintiff,

16 v.

17 RAY MABUS, Secretary of the Navy,

18 Defendant.
19

No. 12cv0816-H(BGS)

JOINT MOTION TO POSTPONE
HEARING DATE

20 COME NOW THE PARTIES, Plaintiff Gary A. Stein, by and through
21 his counsel, David Loy, and Defendant Ray Mabus, Secretary of the United
22 States Navy, by and through his counsel, Christopher R. Hall, Senior
23 Attorney, Civil Division, United States Department of Justice; and Matthew
24 J.B. Lawrence, Trial Attorney, Civil Division, United States Department of
25 Justice; and hereby jointly move the Court that the hearing date for the
26 Defendant's motion to dismiss, ECF No. 42, be postponed from January 14,
27 2013 to February 11, 2013, or a date thereafter that is convenient for the
28 Court. In support of this motion, the parties submit the following:

1 1. On November 30, 2012, Defendant moved to dismiss this action
2 for failure to state a claim upon which relief can be granted
3 pursuant to Federal Rule of Civil Procedure 12(b)(6). ECF No.
4 42. After consulting with chambers, Defendant noticed
5 January 14, 2013, as a hearing date for that motion.

6 2. There is good cause to postpone until February 11, 2013, or a
7 date thereafter that is convenient for the Court, the hearing
8 date for the Defendant's motion to dismiss. By operation of
9 Local Rule 7.1(e), Plaintiff's opposition to the Defendant's
10 motion is currently due December 31, 2012, and the
11 Defendant's reply in support of his motion is due January 7,
12 2013, which could conflict with counsel's family and other
13 obligations during the holidays. Further, co-counsel for
14 Defendant have a previously-scheduled substantive filing in
15 another matter due on January 7, 2013. Postponing the
16 hearing date until February 11, 2013, or a date thereafter that
17 is convenient for the Court, will, by operation of Local Rule
18 7.1(e), allow for a briefing schedule that is more convenient for
19 both parties.

20 3. This request is made in good faith and not for the purposes of
21 delay.

22 For the foregoing reasons, the parties respectfully request that the
23 Court postpone from January 14, 2013 to February 11, 2013, or a date
24 thereafter that is convenient for the Court, the hearing on Defendant's
25 motion to dismiss.

26 DATED December 19, 2012 s/ David Loy
27 Attorney for Plaintiff
28 Email: davidloy@aclusandiego.org

1 Pursuant to Section 2(f)(4) of the Electronic Case Filing Administrative
2 Policies and Procedures of the United States District Court for the Southern
3 District of California, I certify that the content of this document is acceptable
4 to counsel for the Plaintiff and that I have obtained authorization from David
5 Loy to affix his electronic signature to this document.

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